IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No.739 of 2003

Between:

Arya Vysya Kalyana Nilaya Palaka Vargam,
Park Street, Sullurpet, Nellore district, rep. by its
President Alavala Sudhakar Rao.

..... PETITIONER

AND

The Assistant Accounts Officer,
Electricity Revenue Office,
S.P. Dis Com of A.P. Ltd., Naidupet
And two others.

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 739 of 2003

ORDER:

This writ petition is filed by the petitioner aggrieved by the proceedings of the 1st Respondent, dated 12.11.2002 under which the Petitioner was informed that there is a shortfall of Rs.55,460/- in the consumption charges paid towards the supply of electricity by virtue of change from LT Category-VIII to LT Category-II with reference to S.C.No.1446.

2. According to the Petitioner, similar action was assailed earlier in W.P.No.21130 of 2001, which was disposed of by this court on 02.09.2002 directing the Respondents to give an opportunity to the Petitioner before deciding the issue about the proposed action of change of category. It is however, stated that though certain material has been placed by the Petitioner before the 1st Respondent, but the 1st Respondent has decided the issue without giving any opportunity to the Petitioner and again quantifying the alleged liability. Therefore, the present writ petition is filed in the second round.

3. It is stated that during the pendency of the writ petition, a representation was made to the Divisional Engineer

(Operation) as per the directions of the 1st Respondent, which is stated to be pending for consideration.

4. Heard both the learned counsel and considered the material on record.

5. As it is represented by the Standing Counsel that it is only the D.E. (Operations), who has to decide the issue as to the category under which a consumer would fall, it would be appropriate to direct the D.E. (Operations) itself to decide the issue after hearing the Petitioner.

6. The writ petition is therefore, disposed of directing the Divisional Engineer (Operation) before whom the representation made by the Petitioner is stated to be pending to decide the claim of the Petitioner as to the Category under which the power supplied to the Petitioner would fall, after hearing the Petitioner. Till a decision is made by the D.E., the impugned notice of demand shall not be given effect to. The representation is directed to be disposed of after hearing the Petitioner expeditiously, preferably within a period of eight weeks from the date of receipt of a copy of this order.

7. The Standing Counsel is directed to communicate a copy of the order to the D.E. (Operation), Gudur.

8. The writ petition is, accordingly, disposed of. No costs.

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S.ANANDA REDDY.J

Dated: 22..08..2007

Note:
Registry is directed to mark a copy to the D.E. (Operations), A.P. State Power Distribution Limited, Gudur, Nellore district, within a week. (bo)
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 739 of 2003

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